

REMARKS/ARGUMENTS

In the Office Action mailed August 13, 2008, claims 1-35 were rejected and claim 33 was objected to by the Examiner. Applicants have amended claims 2, 5, and 33 to correct typographical errors. Also, Applicants have amended claims 1 and 19, and cancelled claims 6 and 24 without prejudice or disclaimer. No new matter has been added to the claims. Applicants respectfully traverse the rejection of the claims.

Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

CLAIM OBJECTIONS

Claim 33 is objected to because claim 33 is stated to be dependent upon itself. Applicants have amended claim 33 such that it properly depends on a previous claim. Applicants respectfully request that the objection to claim 33 be withdrawn.

CLAIM REJECTIONS – 35 U.S.C. §112

The Examiner rejected claims 2, 5, and 19-35 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner suggests that “the deal process” of claim 2 does not have proper antecedent basis. Applicants have amended claim 2 to correct a typographical error. The

amendment now provides proper antecedent basis for “deal process.” Applicants respectfully request that the rejection of claim 2 be withdrawn.

The Examiner suggests that the term “area” in claim 5 is unclear as to its definition. Applicants have amended claim 5 to correct a typographical error. The amendment now states the term “functional area” which better correlates to the description. Applicants respectfully request that the rejection of claim 5 be withdrawn.

As per claims 19-35, the Examiner suggests that the claims are directed to a method for storing and providing access to electronic data, but that the claims fail to provide the methods steps for storing data. Applicants have now added a storing step to claim 19 to advance prosecution. Applicants respectfully request that the rejection of claims 19-35 be withdrawn.

CLAIM REJECTIONS – 35 U.S.C. §101

The Examiner rejected claims 1-18 under 35 U.S.C. §101, suggesting that the claimed invention is directed to non-statutory subject matter. The Examiner further suggests that claims 1-18 are directed to an electronic data room which is considered to be a data repository, and that an electronic data room does not fall within at least one of the four statutory categories (process, machine, manufacture, or composition of matter).

Applicants have amended claim 1 to add a machine-accessible medium (supported at least by paragraph [0017]) in order to comply with the Examiner. Applicants believe claim 1 to be in condition for allowance and respectfully request that the rejection of the claim be withdrawn.

Claims 2-18 depend directly or indirectly on claim 1. In light of the amendment above, claim 1 is believed to be in condition for allowance, thus Applicants request allowance of the dependent claims. Withdrawal of the rejection is respectfully requested.

Please note that Applicants have made similar amendments to claim 19 to further clarify the invention.

CLAIM REJECTIONS – 35 U.S.C. §102

The Examiner rejected claims 1-4, 6, 7, 9-12, 14, 19-22, 24, 25, 27-30 and 31 under 35 U.S.C. §102(e) as being anticipated by Dingman *et al.* (U.S. Patent No. 7,110,970; “Dingman”). In light of the following remarks, Applicants respectfully submit that these claims are allowable.

Regarding claims 1 and 19, the Examiner suggests that: Dingman discloses a system and method comprising:

- an electronic reference center wherein data is stored representing best practices for deal due diligence (Claim 11, discloses storing historical best practices from past due diligence exercises);

- an electronic digital war room wherein due diligence data is stored and accessed along with due diligence results (Fig. 15; Claim 1, discloses a virtual war room which stores due diligence data referring to past due diligence exercises that may be accessed by a user); and

- an electronic data repository containing a checklist of due diligence activities (Claim 8, discloses storing a due diligence project to do list (i.e. checklist)).

Regarding claims 6 and 24, the Examiner suggests that: Dingman discloses the digital war room stored data representing at least one of legal and financial findings and legal and

financial documents (Claim 2, discloses storing financial models, data manipulation tools, business process tools, methodologies and analytics).

The Examiner suggests that Dingman discloses an electronic data room, storing financial and legal findings and documents. However, Dingman's legally related disclosures are to assets becoming available due to legal remedies (see Dingman, col. 1, lns. 15-20) and applying coefficients globally regardless of legal climate (see Dingman, col. 14, lns. 15-17). Thus, there is no mention of legal findings or legal documents. This distinction is based on that the wording of the claim states that the data in the digital war room represents at least one of both financial and legal findings and financial and legal documents.

Therefore, Dingman does not disclose an electronic data room having at least "the war room includes at least one of the following legal and financial findings and legal and financial documents," as recited in claim 1. Dingman does not disclose a method of storing and accessing that includes at least the step of providing "an electronic digital war room...the war room includes at least one of the following legal and financial findings and legal and financial documents, as recited in claim 19." In light of the argument above, claims 1 and 19 are believed to be in condition for allowance, and Applicants respectfully request withdrawal of the rejection of these claims.

Claims 2-4, 7, 9-12, and 14 are directly or indirectly dependent on claim 1, and claims 20-22, 25, 27-31 are directly or indirectly dependent on claim 19. In light of the argument and amendments above, claims 1 and 19 are believed to be in condition for allowance, thus Applicants respectfully request allowance of these dependent claims.

CLAIM REJECTIONS – 35 U.S.C. §103

The Examiner rejected claims 5, 8, 13, 15-18, 23, 26, and 32-35 under 35 U.S.C. §103(a) as being unpatentable over Dingman in view of Fredell *et al.* (US 6,678,698; “Fredell”).

Claims 5, 8, 13, and 15-18 are directly or indirectly dependent on claim 1, and claims 23, 26 and 32-35 are directly or indirectly dependent on claim 19. In light of the argument and amendments above, claims 1 and 19 are believed to be in condition for allowance, thus Applicants respectfully request allowance of these dependent claims.

EXAMINER NOTE


The Examiner suggests that claims 1-6, 8, 9, 12, 14, 19-24, 26, 27, 30, and 31 are directed at non-functional descriptive material, and that the claims simply recite the storage of data and that Dingman is capable of storing the data recited in the invention. The claims have been amended and are more than simply non-functional descriptive material.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request that all the objections and rejections to the claims be removed and that the claims pass to allowance. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1610 in an effort to resolve any matter still outstanding before issuing another action. The undersigned Attorney is confident that any issue which might remain can readily be worked out by telephone.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to our Docket No. 87295.1520.

Respectfully submitted,
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